

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISAMARIA MARTINEZ,

Plaintiff,

V.

COUNTY OF ALAMEDA, MELISSA WILK, in her individual capacity, **EVA HE**, in her individual capacity, **MARIA LAURA BRIONES**, in her individual capacity,

Defendants.

Case No. 3:20-cv-06570-TSH

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO BIFURCATE**

Hearing Date: November 2, 2023

Time: 10:00 am

Courtroom: via Zoom video conference

Judge: Hon. Thomas S. Hixson

[PROPOSED] ORDER

Having reviewed and considered the party's briefs, evidence, and arguments presented, and for good cause shown, the Court GRANTS Plaintiff's Motion to Bifurcate as follows:

i. The first phase will culminate in a jury trial on the following:

(a) whether Defendants are liable for a violation of the standards of the Americans with Disabilities Act for their actions in 2019 taken up through the date that Ms. Martinez filed suit on September 18, 2020;

(b) if so, whether the violation was due to deliberate indifference; and

(c) the amount of Plaintiff's damages, including the award of statutory damages under California's Disabled Persons Act.

2. If the jury finds that Defendants violated the standards of the Americans with Disabilities Act regarding its treatment of Ms. Martinez during the events leading up to the filing of the

1 lawsuit on September 18, 2020, the case will proceed to a second phase on the scope of injunctive
2 relief under the Americans with Disabilities Act and/or California Civil Code section 11135,
3 including briefing and, if necessary, a hearing or bench trial.

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5 Evidence of actions taken by Defendants after the lawsuit was filed on September 18,
6 2019 or auxiliary aids that were not offered to Ms. Martinez in 2019, such as kiosks with screen
7 readers and online forms made after the lawsuit was filed, will be excluded from the first phase
8 before the jury. Such evidence of alternative auxiliary aids may be considered in the second
9 phase along with any relevant evidence heard by the Court during the jury trial in the first phase.

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11 IT IS SO ORDERED.

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13 DATED: _____

14 HONORABLE THOMAS S. HIXON
15 UNITED STATES MAGISTRATE JUDGE

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